

Remarks

After entry of the subject amendment, claims 1, 3-10, 12, and 14-47 will remain in the application with claims 1 and 19 being in independent form. More specifically, claims 1, 3-7, 9-10, 12, 17-19, 28, 30, 32, 37-40, and 43 have been amended and claim 2 has been cancelled. Claims 11, 13 and 48-67 were previously cancelled.

On December 6, 2005, Applicant requested reconsideration of the Official Action mailed on September 7, 2005. In particular, Applicant contended that the Examiner formulated an unreasonable interpretation of the terms "processed information" and "data" as used in the claims. In response to Applicant's Request for Reconsideration, the Examiner submitted an Advisory Action stating that the rejections will be maintained. The Examiner maintained the position that the "messages" taught by Antonov are analogous to the "processed information" as claimed by the Applicant in independent claims 1 and 19. Interestingly, the Examiner did not address Applicant's contention that the "messages" of Antonov cannot be interpreted as the "data" as used in dependent claim 2. In any event, Applicant has amended a number of the claims to replace the term "processed information" with -- data -- to clarify the invention and further distinguish the invention over Antonov.

Applicant maintains the contention that it is unreasonable to interpret the term "messages" as being equivalent to "data". As also discussed in the Request for Reconsideration, Section 2111 of the Manual of Patent Examining Procedure (MPEP), sets forth that pending claims must be given their broadest reasonable interpretation. Quoting the case of *In re Morris*, Section 2111 states:

the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification."

Hence, the Examiner must not only apply a *reasonable* interpretation to the claim terms, but the Examiner must also take into account *ordinary usage* and *enlightenment from the specification*.

Further, as set forth in Section 2111.01 of the MPEP, the words of the claim must be given their “plain meaning”, which refers to the ordinary and customary meaning of the term by those skilled in the art. Section 2111.01 goes on to state:

The ordinary and customary meaning of a term may be evidenced by a variety of sources, . . . including: the claims themselves, . . . dictionaries and treatises, . . . and the written description . . .

It is well known in the computer industry that the ordinary and customary meaning of the term “messages” relates to a communication or command for a processor to perform a task, such as requesting data, updating data, invalidating data, etc. In stark contrast, it is well known in the computer industry that the ordinary and customary meaning of the term “data” relates to the data itself, which is typically some type of computational or manipulated data. In fact, Antonov itself recognizes the differences between terminologies. Referring to Col. 5, Lines 49-53, which is the section that the Examiner identifies in the rejections, the term “messages” is used in Antonov for the communications between the nodes or workstations for:

identifying another workstation computer to which the first workstation computer **intends to send the message**, or indicating a **request for access to particular data** contained within the distributed file server storage devices.
(emphasis added)

Hence, the term “messages” in Antonov is for commands and the term “data” in Antonov is for actual numerical data used by the processors for various computations. These terms do not mean the same thing and are not interchangeable.

The system of the subject patent application does NOT send messages in the typical fashion, i.e., sending a message to retrieve data. In fact, this is a significant difference between the subject invention and prior art systems. As discussed throughout

the subject patent application, the subject system sends processed information or data, but these are NOT messages. Data is defined in the patent application (see the paragraph spanning Pages 17-18) as information that is processed by proceeding through a number of tasks, which can be any type of calculation, compilation or the like. The data is further defined as being created, such as, for example, obtaining and compiling testing data during the testing of a vehicle. As stated in the first full paragraph on Page 21, the send-only system of the subject invention transports data to desired real memory locations where the data can be used during subsequent processing or evaluation.

It should be noted that the system of the subject invention can send executable code along with the data. The executable code can include messages or commands to instruct processors to process the forwarded data in a certain fashion (see Page 19 as well as claims 4 and 37). Hence, the subject invention can send messages when the messages or commands are embedded in executable code, which is sent along with the data. Again, the messages are not the data and these items are not interchangeable. Accordingly, the subject invention makes similar differentiations between sent messages and sent data.

As further evidence, the following dictionaries include descriptions of the term "data" that are consistent with the above analysis. In particular, referring to the enclosed excerpt from the McGraw-Hill Dictionary of Scientific and Technical Terms, "data" is defined as:

General term for numbers, letters, symbols, and analog quantities that serve as input for computer processing.

Turning to the excerpt from the Dictionary of Scientific Literacy, a Computer is defined as follows:

an electronic device designed to accept **data**, perform prescribed computational and logical operations at high speed, and output the results of these operations. (emphasis added)

In summary, Applicant has amended the independent claims as well as many of the dependent claims to include the term "data". Applicant contends that the term "messages", as set forth in Antonov, is not equivalent or analogous to the term "data" as claimed.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

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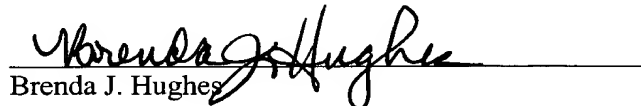


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CERTIFICATE OF MAILING

I hereby certify that the attached **Amendment, Request for Continued Examination Transmittal (RCE), Two Month Extension of Time, checks for \$395.00 and 225.00, and return post card** are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the **Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 31, 2006.**



Brenda J. Hughes